WP(C) 4138/2006

BEFORE

HON'BLE JUSTICE MR I. A. ANSARI

Heard Mr. R. Ali, learned counsel for the petitioner, and Mr. M. K. Mishra, learned Standing counsel, Education Department, Assam, appearing on behalf of respondent No. 1. Also heard Mr. S. Sarma, learned counsel for the respondent Nos. 2, 3 and 4.

Pursuant to the notice, dated 15.07.2006, issued by the Village Education Council (in short, 'VEC'), Balagaon, district Barpeta, the petitioner had applied for appointment to the post of 'Siksha Mitra'. In the selection process, which had taken place, the petitioner received highest mark. Notwithstanding the fact that the petitioner was, in terms of the relevant guidelines, entitled to receive the appointment, which she had sought for, she was not given the appointment on the ground that her husband was not a resident of Balagaon. Contending that both she and her husband are residents of Balagaon, the petitioner has come to this Court seeking, with the help of the present writ application made under Article 226 of the Constitution of India, appropriate directions to the respondents/authorities concerned. In support of her case, the petitioner has annexed to her affidavit-in-reply a copy of voters' list, a certificate from the Gaonbura concerned, a school certificate etc.

In view of the fact that the petitioner could have, admittedly, been appointed but for the reason that she was alleged to be not a resident of Balagaon, this Court is of the view that the respondent No. 3, namely, District Mission Coordinator, Barpeta, shall made an enquiry into the question as to whether the petitioner is or is not a resident of Balagaon and, depending upon the finding of the enquiry, appropriate order(s) shall be passed by the respondent No. 3. The whole exercise, so directed, shall be completed with a period of ten days from the date of receipt of a certified copy of this order by respondent No. 3. The petitioner shall furnish to the respondent No. 3 a certified copy of this order along with copies of this writ petition and annexure thereto. If the petitioner feels aggrieved by the decision, which may be taken by the respondent No. 3, or by the order, which may be passed by the respondent No. 3, the petitioner shall be at liberty to take recourse to such provisions of law as may be permissible.

Before parting with this writ petition, it is made clear that if, upon enquiry, to be made, as has been directed hereinabove, the petitioner is found to be a resident of Balagaon, the recommendations, made for appointment of respondent No. 6 as 'Siksha Mitra', shall not be acted upon and the petitioner shall be appointed to the post, in question.

With the above observations and directions, this writ petition shall stand disposed of.

No order as to cost.